

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CASE NO.: 1:23-CR-6 (LAG)(TQL)
	:	
ACCACIA GORDON,	:	
	:	
Defendant.	:	

ORDER

Before the Court are the Defendant's Unopposed Motion to Continue Trial and the Government's Second Motion for Frye Hearing and In-Person Final Pretrial Conference (Doc. 350; Doc. 349). For reasons stated below, the Defendant's Motion to Continue (Doc. 350) is **DENIED** and the Government's Second Motion for Frye Hearing and In-Person Final Pre-trial Conference (Doc. 349) is **GRANTED**.

On February 15, 2023, Defendant was charged in a twelve-count indictment. (Doc. 1). On February 23, 2023, Defendant appeared before the Magistrate Judge for her initial appearance and arraignment. Defendant entered a plea of not guilty and was released pending trial (Doc. 126; Doc. 128). A status conference was held on June 12, 2024. This matter was scheduled for a pretrial conference for September 25, 2024, and set for trial on October 28, 2024. On September 16, 2024, Defendant filed an Unopposed Motion to Continue. (Doc. 350). Therein, Defendant moves to continue the pretrial conference and trial in this matter. "[Defendant] has not made herself available to defense counsel in recent months to prepare for jury trial or a plea" and "[Defendant] will need additional time to discuss her case with counsel and make an informed decision concerning the trajectory of her case." (*Id.* at 1). Defendant also represents that the Government "does not oppose continuing this case." (*Id.* at 2).

Upon due consideration, the Court finds that the ends of justice that would be served by granting an additional continuance do not outweigh the best interests of the public and

Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). A defendant's failure to participate in the preparation of her defense is not a proper basis for a continuance.

Having considered the Government's Second Motion for Frye Hearing and In-Person Final Pre-trial Conference, there is good cause to require the Defendant's presence at the pretrial conference. (Doc. 349).

Accordingly, the Defendant's Motion to Continue (Doc. 350) is **DENIED** and the Government's Second Motion for Frye Hearing and In-Person Final Pre-trial Conference (Doc. 349) is **GRANTED**. Defendant is hereby **ORDERED** to appear at the pretrial conference on **September, 25, 2024**.

SO ORDERED, this 23rd day of September, 2024.

/s/ Leslie A. Gardner

**LESLIE A. GARDNER, CHIEF JUDGE
UNITED STATES DISTRICT COURT**